

UNITED STATES DISTRICT COURT

Southern

District of

New York

PLAINTIFF

GREENSTREET FINANCIAL, L.P., a Delaware
limited partnership

THIRD PARTY SUMMONS IN A
CIVIL ACTION

V. DEFENDANT AND THIRD PARTY PLAINTIFF

CS-GRACES, LLC and
RH LODGING SERVICES, LLC

Case Number: 07 CIV 8005

Judge Sullivan

V. THIRD PARTY DEFENDANT

SHERYL SMUL, SHERYL SMUL GRANTOR
ANNUITY TRUST and ALAN G. FRIEDBERG

To: Name and address of Third Party Defendant

Sheryl Smul, 12351 NW 2nd Street, Plantation, FL 33325
Sheryl Smul Grantor Annuity Trust, (see above)
Alan G. Friedberg, 926 Fifth Avenue, New York, NY 10021

YOU ARE HEREBY SUMMONED and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

KIRKPATRICK & LOCKHART PRESTON
GATES ELLIS, LLP
599 Lexington Avenue
New York, New York 10022
212-536-3900

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)

KALTER, KAPLAN, ZEIGER & FORMAN
6166 State Route 42 - P.O. Box 30
Woodbourne, New York 12788
845-434-4777

an answer to the third-party complaint which is served on you with this summons, within twenty (20) days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

(By) DEPUTY CLERK

DATE

NOV 08 2007

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>DECEMBER 8, 2007</u>	
NAME OF SERVER <u>MICHAEL E. BRENNAN</u>	TITLE <u>PROCESS SERVER</u>	
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the third-party defendant. Place where served: <u>79 KATRENA FALLS ROAD, ROCK HILL, NY</u> <input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on <u>12/8/07</u>	<u>Michael E Brennan</u> Date Signature of Server	
<u>P.O. Box 103, MONTICELLO, NY 12701</u> Address of Server		
<div style="text-align: center; font-family: cursive; font-size: 1.2em;">Lori A Karadontes</div> <div style="text-align: center; font-size: 0.8em; margin-top: 20px;"> LORI A. KARADONTES Notary Public, State of New York Sullivan County Clerk's #2291 Commission Expires Feb. 26, 2010 </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.